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OFFICE OF RESEARCH AND GRADUATE STUDIES

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November 29, 2012

Urgent Facsimile (571) 273-8300

Attention: Office of Petition

Re: US Patent 6,809,429

Issued: October 26, 2004

US Application No. 09/677,288

Filed: October 2, 2000

**CONTROL METHOD AND APPARATUS FOR INTERNAL COMBUSTION ENGINE  
 ELECTRIC HYBRID VEHICLES**

## FAX RECEIVED

NOV 29 2012

OFFICE OF PETITIONS

Dear Sir/Madam,

Thank you for your letter dated September 10, 2012 in response to our request to change the entity status for the above referenced US patent.

I have enclosed a signed copy of a Statement Under 37 CFR 3.73(b) document to address the issue of ownership for US patent 6,809,429.

As mentioned, The Regents of the University of California, Assignee of the above reference US Patent, is no longer entitled to claim small entity status.

The 8 year US maintenance fee was paid on April 26, 2012 at a small entity rate in the amount of \$1,425.00

The deficiency amount owed is \$1,575.00. This amount includes the difference of \$1,425.00 to correct the fee due for large entity status and the surcharge late payment fee for \$150.00.

At this time we would like to submit a request to the Maintenance Fee Division to charge the deficiency amount owed in the sum of \$1,575.00 to our deposit account number 21-0649.

If further authorization is needed, please contact John Shih at (510) 587-6034.

Thank you for your assistance in this matter.

Sincerely,

Jerina LaBat  
 Senior Patent Prosecution Analyst  
[\(jerina.labat@ucop.edu\)](mailto:jerina.labat@ucop.edu)

Attachments: Letter from UC dated June 29, 2012

Statement Under 37 CFR 3.73(b) document signed by John Shih September 18, 2012

Notice from Petitions Office dated September 10, 2012

NOV 29 2012

## OFFICE OF PETITIONS

PTO/SB/66 (07-08)

Approved for use through 07/31/2012. OMB 0651-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

## STATEMENT UNDER 37 CFR 3.73(b)

Applicant/Patent Owner: FRANK, ANDREW A.

Application No./Patent No.: 6,809,429

Filed/Issue Date: October 26, 2004

Titled: CONTROL METHOD AND APPARATUS FOR INTERNAL COMBUSTION ENGINE ELECTRIC HYBRID VEHICLES

The Regents of the University of California, a

University

(Name of Assignee)

(Type of Assignee, e.g., corporation, partnership, university, government agency, etc.)

states that it is:

1.  the assignee of the entire right, title, and interest in;
  2.  an assignee of less than the entire right, title, and interest in  
(The extent (by percentage) of its ownership interest is \_\_\_\_\_ %); or
  3.  the assignee of an undivided interest in the entirety of (a complete assignment from one of the joint inventors was made) the patent application/patent identified above, by virtue of either:
- A.  An assignment from the Inventor(s) of the patent application/patent identified above. The assignment was recorded in the United States Patent and Trademark Office at Reel 011217, Frame 0051, or for which a copy therefore is attached.

OR

- B.  A chain of title from the Inventor(s), of the patent application/patent identified above, to the current assignee as follows:

1. From: \_\_\_\_\_ To: \_\_\_\_\_

The document was recorded in the United States Patent and Trademark Office at  
Reel \_\_\_\_\_, Frame \_\_\_\_\_, or for which a copy thereof is attached.

2. From: \_\_\_\_\_ To: \_\_\_\_\_

The document was recorded in the United States Patent and Trademark Office at  
Reel \_\_\_\_\_, Frame \_\_\_\_\_, or for which a copy thereof is attached.

3. From: \_\_\_\_\_ To: \_\_\_\_\_

The document was recorded in the United States Patent and Trademark Office at  
Reel \_\_\_\_\_, Frame \_\_\_\_\_, or for which a copy thereof is attached. Additional documents in the chain of title are listed on a supplemental sheet(s). As required by 37 CFR 3.73(b)(1)(i), the documentary evidence of the chain of title from the original owner to the assignee was, or concurrently is being, submitted for recordation pursuant to 37 CFR 3.11.

[NOTE: A separate copy (i.e., a true copy of the original assignment document(s)) must be submitted to Assignment Division in accordance with 37 CFR Part 3, to record the assignment in the records of the USPTO. See MPEP 302.08]

The undersigned (whose title is supplied below) is authorized to act on behalf of the assignee.

September 18, 2012

Date

Director, Patent Prosecution

Title

Signature

John Shih

Printed or Typed Name

This collection of information is required by 37 CFR 3.73(b). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

UC Case No. 1998-194-2

If you need assistance in completing the form, call 1-800-PTO-8199 and select option 2.



## UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents  
 United States Patent and Trademark Office  
 P.O. Box 1450  
 Alexandria, VA 22313-1450  
[www.uspto.gov](http://www.uspto.gov)

UC 1998-194-2

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In re Patent No. 6,809,429  
 Issue Date: October 26, 2004  
 Application No. 09/677,288  
 Filed: October 2, 2000  
 Attorney Docket No. UC98-194-2US

NOTICE

This is a notice regarding your request, filed July 3, 2012, for acceptance of a fee deficiency submission under 37 CFR 1.28. On September 4, 1998, the Court of Appeals for the Federal Circuit held that 37 CFR 1.28(c) is the sole provision governing the time for correction of the erroneous payment of the issue fee as a small entity. See DH Technology v. Synergystex International, Inc. 154 F.3d 1333, 47 USPQ2d 1865 (Fed. Cir. Sept. 1, 1998).

The Office no longer investigates or rejects original or reissue applications under 37 CFR 1.56. 1098 Off. Gaz. Pat. Office 502 (January 3, 1989). Therefore, nothing in this Notice is intended to imply that an investigation was done.

Your fee deficiency submission under 37 CFR 1.28 is hereby REJECTED.

The request must be signed by:

- (1) An attorney or agent of record appointed in compliance with § 1.34(b);
- (2) A registered attorney or agent not of record who acts in a representative capacity under the provisions of § 1.34(a);
- (3) The assignee of record of the entire interest, if there is an assignee of record of the entire interest;
- (4) An assignee of record of an undivided part interest, and any assignee(s) of the remaining interest and any applicant retaining an interest, if there is an assignee of record of an undividing part interest; or
- (5) All of the applicants (§§ 1.42, 1.43 and 1.47) for patent, unless there is an assignee of record of the entire interest and such assignee has taken action in the application in accordance with §§ 3.71 and 3.73.

If the instant petition is on the behalf of the assignee, petition does not comply with 37 CFR 3.73(b). 37 CFR 3.73(b) provides that: (1) when an assignee seeks to take action in a matter

Patent No. 6,809,429

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before the Office, the assignee must establish its ownership of the property to the satisfaction of the Commissioner; (2) ownership is established by submitting to the Office, in the Office file related to the matter in which action is sought to be taken, documentary evidence of a chain of title from the original owner to the assignee (e.g., copy of an executed assignment submitted for recording) or by specifying (e.g., reel and frame number) where such evidence is recorded in the Office; (3) the submission establishing ownership must be signed by a party authorized to act on behalf of the assignee; and (4) documents submitted to establish ownership may be required to be recorded as a condition to permitting the assignee to take action in a matter pending before the Office. A 37 CFR 3.73(b) statement is enclosed.

A courtesy copy of this decision will be mailed to the address on the request.

Further correspondence with respect to this matter should be addressed as follows:

By mail: Mail Stop PETITIONS  
Commissioner for Patents  
Post Office Box 1450  
Alexandria, VA 22313-1450

By hand: Customer Window located at:

U.S. Patent and Trademark Office  
Customer Service Window Randolph Building  
401 Dulany Street  
Alexandria, VA 22314

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By fax: (571) 273-8300  
ATTN: Office of Petitions

Any questions concerning this matter may be directed to the undersigned at (571) 272-3206.

/Liana Walsh/  
Liana Walsh  
Petitions Examiner  
Office of Petitions

Enclosure: PTO/SB/96 – Statement under 37 CFR 3.73(b)

cc: UNIVERSITY OF CALIFORNIA,  
INNOVATION ALLIANCES AND SERVICES  
1111 FRANKLIN STREET, 5<sup>TH</sup> FLOOR  
OAKLAND, CA 94607-5200